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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,326	08/01/2003	Raymond J. Gallagher III	MSKI-63168	5578

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EXAMINER	
HOFFMAN, BRANDON S	
ART UNIT	**PAPER NUMBER**
2136	

MAIL DATE	DELIVERY MODE
10/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/631,326	GALLAGHER, RAYMOND J.	
	Examiner	Art Unit	
	Brandon S. Hoffman	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14 and 16-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14 and 16-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-14 and 16-29 are pending in this office action, claims 15 and 30 are canceled.

Claims Rejections

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-14 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeds, III (U.S. Patent No. 5,724,427) in view of Thornwall (U.S. Patent No. 4,675,477).

Regarding claims 1 and 16, Reeds, III teaches a system/method for converting a message into a patternless encrypted message, wherein the message includes a plurality of message elements, comprising:

- Encrypting software (fig. 2),

- Which comprises an encryption substitute set, for converting the message into the patternless encrypted message (fig. 3),

- Adapted to generate a table of substitutes for each message element (col. 6, line 60 through col. 7, line 19),
  - Wherein the table is comprised of a plurality of **randomly-generated** set elements to be assigned to each of the plurality of message elements (col. 7, lines 20-31); and
- Wherein the encryption software **includes** multiple shiftkey replacements (fig. 4, ref. num 430).

Reeds, III does not teach **an encoding matrix which cross-multiples the message elements, to generate the patternless encrypted message**.

Thornwall teaches **an encoding matrix which cross-multiples the message elements, to generate the patternless encrypted message** (fig. 1).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine an encoding matrix which cross-multiples message elements, as taught by Thornwall, with the system/method of Reeds, III. It would have been obvious for such modifications because the Vigenere Square, used by Thornwall, is a simple mechanism to generate encrypted data.

Regarding claims 2 and 17, Reeds, III as modified by Thornwall teaches further comprising formatting software, adapted to be applied to the patternless encrypted message for transmission thereof to a recipient, and further comprising applying the formatting software to the patternless encrypted message for transmission thereof to a recipient (see fig. 1, ref. num 130 of Reeds, III).

Regarding claims 3 and 18, Reeds, III as modified by Thornwall teaches wherein the encryption software is the same for all users thereof, and wherein encrypting further comprises encrypting the message by the encryption software which is the same for all users thereof (see col. 7, lines 25-37 of Reeds, III).

Regarding claims 4 and 19, Reeds, III as modified by Thornwall teaches wherein the encryption software is calculated for each message, and wherein encrypting further comprises encrypting the message by the encryption software which is calculated for each message (see col. 7, lines 15-19 of Reeds, III).

Regarding claims 5 and 20, Reeds, III as modified by Thornwall teaches wherein the table is fixed, in that the number of substitutes for each element of the set in the multiple shiftkey replacement is fixed independent of the message, and wherein the message is in a language, and the number of set element substitutes is pre-calculated based on the language, and wherein generating further comprises generating the table of substitutes which is fixed, including fixing the number of substitutes for each element

of the set in the multiple shiftkey replacement independent of the message, and pre-calculating the number of set element substitutes based on the language of the message (see col. 7, line 51 through col. 8, line 6 of Reeds, III).

Regarding claims 6, 9, 21, and 24, Reeds, III as modified by Thornwall teaches wherein the encryption software is a ratio, in that the number of substitutes for each element of the set in the multiple shiftkey replacement is a ratio of the frequency of each message element in a medium, and wherein calculating further comprises generating the table of substitutes wherein the number of substitutes for each element of the set in the multiple shiftkey replacement is a ration of the frequency of each message element in a medium (see col. 10, lines 40-50 of Reeds, III).

Regarding claims 7, 10, 22, and 25, Reeds, III as modified by Thornwall teaches wherein the message is in a language, and the table generated by the encryption software is calculated based on the message language, and wherein calculating further comprises generating the table of substitutes by the encrypted software based on the message language (see col. 6, lines 19-23 and col. 10, lines 30-35 of Reeds, III).

Regarding claims 8, 11, 23, and 26, Reeds, III as modified by Thornwall teaches wherein the table generated by the encryption software is calculated based on the message, and wherein calculating further comprises generating the table of substitutes by the encrypted software based on the message (see col. 7, lines 20-25 of Reeds, III).

Regarding claims 12, 13, 27, and 28, Reeds, III as modified by Thornwall teaches wherein the medium comprises the message language, and wherein calculating further comprises generating the table of substitutes wherein the number of substitutes for each element of the set in the multiple shiftkey replacement is a ratio of the frequency of each message element in the message language medium (see fig. 7, ref. num 735 and col. 10, lines 40-50 of Reeds, III).

Regarding claims 14 and 29, Reeds, III as modified by Thornwall teaches wherein the medium comprises the message, wherein calculating further comprises generating the table of substitutes wherein the number of substitutes for each element of the set in the multiple shiftkey replacement is a ratio of the frequency of each message element in the message medium (see fig. 7, ref. num 735 and col. 10, lines 40-50 of Reeds, III).

Response to Arguments

5. Applicant's arguments are moot in view of the new ground of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon S. Hoffman whose telephone number is 571-272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brandon Hoffman/

BH

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10/4/07